IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4312 OF 2006

Kalyani Nitin Patil ...Petitioner.

V/s.

Mangala Ashok Gosavi & Ors. ...Respondents.

Smt. Neeta Karnik for the petitioner.
Shri.Bhavesh Parmar for respondent No.1.
Mr.C.R. Sonawane AGP for respondent No.2 & 3.

CORAM : DR.S. RADHAKRISHNAN & V.M. KANADE, JJ.

DATED : 19/08/2006

P.C.:-

1. Heard the learned counsel for the petitioner and the learned AGP for respondent Nos.2 & 3 and the learned counsel for respondent No.1. Presence of respondent No.4 is not necessary.

2. Rule. Rule is made returnable forthwith. By consent writ petition is taken up for final hearing.

3. By this petition, the petitioner is challenging the order dated 28th June, 2006, passed by the Caste Certificate Scrutiny Committee. Main grievance of the petitioner is that no hearing at all was given by the respondent No.3 Caste Certificate Scrutiny Committee before passing the impugned order. Aforesaid fact is clearly indicated in the records. Only on this limited ground that the petitioner ought to have been given a fair opportunity of hearing by the Committee, we are inclined to quash and set aside the impugned order.

4. Hence, we quash and set aside the order passed by the said Committee dated 28th June, 2006 and the matter is remanded back to the Caste Certificate Scrutiny Committee to hear the same afresh after affording a fair opportunity and personal hearing to the petitioner and thereafter, pass a reasoned order.

5. This exercise shall be completed by respondent No.3 Caste Certificate Scrutiny Committee as expeditiously as possible preferably within a period of four months from 11th September, 2006.

6. Learned counsel for the petitioner states that petitioner will appear before the said Committee on 11th September, 2006 at 11.00 a.m. so as to enable the said Committee to fix the schedule of hearing.

7. In the said inquiry, respondent No.1 is also allowed to participate. Rule is accordingly made absolute in the above terms, however with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)